

SECTION 3 USE OF LAND AND BUILDINGS

3.01 USES PERMITTED BY DISTRICT (ZA01-0004)

Land and buildings in each of the zoning districts may be used for any of the indicated uses but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, which is arranged or designed or used for other than those uses specified as permitted uses in the district in which it is located, according to the Article II, Section 3.03 and in accordance with Article I, Section 5 and the provisions of this ordinance.

1. Legend for Schedule of Uses in Section 3.03

Base Zoning

P	Use is permitted in district indicated
	Use is prohibited in district indicated
S	Use is permitted in district upon approval of a specific use permit
1	Use is permitted in the district indicated if conditional development standards or limitations in the corresponding numeric end note in Article II, Section 3.04 are complied with

Preston Road Overlay District

	Use is subject to base zoning standards
C	Use is permitted in Preston Road Overlay District subject to conditional development standards (see Article III, Section 3(4.05)(B) and/or (H))
X	Use is prohibited in the Preston Road Overlay District

3.02 CLASSIFICATION OF NEW AND UNLISTED USES

It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the City of Frisco. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

1. The Building Official shall refer the question concerning any new or unlisted use to the Planning & Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

2. The Planning & Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted.
3. The Planning & Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall by resolution approve the recommendation of the Planning & Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings.
4. Standards for new and unlisted uses may be interpreted as those of a similar use. When determination of the minimum requirements cannot be readily ascertained, the same process outlined in Article II, Section 3 (3.02)(1-3) shall be followed for determination of the new standards.

3.03 **SCHEDULE OF USES** (Z00-0061, ZA01-0010, ZA02-0001, ZA02-0004, ZA02-0009, ZA02-0019, ZA02-0026, ZA03-0001, ZA02-0025, ZA04-0002, ZA05-0004, ZA05-0006, ZA06-0001, ZA07-0001, ZA07-0003, ZA08-0001, ZA08-0003)

The Schedule of Uses appears on the following charts:

ARTICLE II - PERMITTED USES AND DEFINITIONS
SECTION 3 - USE OF LAND AND BUILDINGS

A	RE	SF-1	SF-2	SF-3	SF-4	SF-5	OT-R	PH	TH	2F	MF-1	MF-2	MH	Section 3.03(A) Primary Residential Uses	O-1	O-2	NS	R	OT-C	H	C-1	C-2	CO	IT	I	Preston Road Overlay District				
Agricultural	Residential Estate	Single-Family 1	Single-Family 2	Single-Family 3	Single-Family 4	Single-Family 5	Original Town Residential	Patio Home	Town Home	Two Family	Multi-Family 1	Multi-Family 2	Mobil Home		Office 1	Office 2	Neighborhood Services	Retail	Original Town Commercial Highway	Commercial 1	Commercial 2	Corporate Office	Information & Technology	Industrial	US 380 Gateway	Rural Corridor	Main Street	Retail Corridor	SH 121 Gateway	
													P	Mobile Home																
P	P	P	P	P	P	P	P	P	P	P	P	P	P	Model Home																
											P	P	P	Multi-Family Residence																
1	1	1	1	1	1	1		1	1	1	1	1	1	Private Street Development																
							P		P		P	P	P	Retirement Housing																
P	P	P	P	P	P	P	P	P	P	P	P	P	P	Single-Family Residence, Detached																
							P							Studio Residence					P											
							2		P					Townhome (Single-Family Residence, Attached)																
										P				Two Family Residence																

ARTICLE II - PERMITTED USES AND DEFINITIONS
SECTION 3 - USE OF LAND AND BUILDINGS

A	RE	SF-1	SF-2	SF-3	SF-4	SF-5	OT-R	PH	TH	2F	MF-1	MF-2	MH	Section 3.03(B) Accessory and Incidental Uses	O-1	O-2	NS	R	OT-C	H	C-1	C-2	CO	IT	I	Preston Road Overlay District				
Agricultural	Residential Estate	Single-Family 1	Single-Family 2	Single-Family 3	Single-Family 4	Single-Family 5	Original Town Residential	Patio Home	Town Home	Two Family	Multi-Family 1	Multi-Family 2	Mobil Home		Office 1	Office 2	Neighborhood Services	Retail	Original Town Commercial Highway	Commercial 1	Commercial 2	Corporate Office	Information & Technology	Industrial	US 380 Gateway	Rural Corridor	Main Street	Retail Corridor	SH 121 Gateway	

P	P	P	P	P	P	3	P	P	P	P	P	P	Accessory Building	P	P	P	P		P	P	P	P	P	P					
													Caretaker's/Guard's Residence	P	P	P	P	P	P	P	P	P	P						
P	P	P	P	P	P	P	P	P	P	P	P	P	Construction Yard and Field Office, Temporary	P	P	P	P	P	P	P	P	P	P						
P	P	P	P	P	P	P						Garage Apartment																	
													Accessory Gas Pumps				4		4	4	4				X		X		X
P	P	P	P	P	P	P							Guest House																
	5	5	5	5	5	5	5	5	5	5			Homebuilder Marketing Center	P	P		P	P	P	P	P	P							
6	6	6	6	6	6	6	6	6	6	6	6	6	Home Occupation																
													Mobile Food Vendor				33		33	33	33								
													Outside Storage and Display				37		37	37	37			37	C	C	C	C	C
													Retail/Service Incidental Use		P		P	P	P	P	P	P	P						
7	7	7	7	7	7	7	7	7	7	7	7	7	Temporary Building	7	7	7	7	7	7	7	7	7	7						

ARTICLE II - PERMITTED USES AND DEFINITIONS
SECTION 3 - USE OF LAND AND BUILDINGS

A	RE	SF-1	SF-2	SF-3	SF-4	SF-5	OT-R	PH	TH	2F	MF-1	MF-2	MH	Section 3.03(C) Educational, Institutional, Public, and Special Uses	O-1	O-2	NS	R	OT-C	H	C-1	C-2	CO	IT	I	Preston Road Overlay District				
Agricultural	Residential Estate	Single-Family 1	Single-Family 2	Single-Family 3	Single-Family 4	Single-Family 5	Original Town Residential	Patio Home	Town Home	Two Family	Multi-Family 1	Multi-Family 2	Mobil Home		Office 1	Office 2	Neighborhood Services	Retail	Original Town Commercial Highway	Commercial 1	Commercial 2	Corporate Office	Information & Technology	Industrial	US 380 Gateway	Rural Corridor	Main Street	Retail Corridor	SH 121 Gateway	

														Airport/Heliport									S		S	X	X	X	X	X
											P	P	P	Assisted Care or Living Facility	S	S	S	S					S							
8	8	8	8	8	8	8	8	8	8	8	8	8	8	Athletic Stadium or Field, Private	S	S	S	S		S	S	S	P	P	P					
P	P	P	P	P	P	P	P	P	P	P	P	P	P	Athletic Stadium or Field, Public	P	P	P	P		P	P	P	P	P	P					
S	S	S	S	S	S	S	S	S	S	S	S	S	S	Cemetery or Mausoleum	S	S	S	S		S	S	S								
S	S	S	S	S	S	S	S	S	S	S	S	S	S	Church, Temple, Synagogue, Mosque, or Other Place of Worship	P	P	P	P	S	P	P	P	P	P	P					
														Civic/Convention Center	P	P	P	P	P	P	P	P	P	P	P					
														College, University, Trade, or Private Boarding School		P		P	S	P	P	P	P	P	P					
											S	S	S	Community Center	P	P	P	P	S	P	P	P	P	P	P					
P	P	P	P	P	P	P	P	P	P	P	P	P	P	Farm, Ranch, Stable, Garden, or Orchard	P	P	P	P		P	P	P	P	P	P					
														Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority	P	P	P	P	P	P	P	P	P							
														Helistop		S				S			S	S	S					
														Hospital	P	P	P	P	P	P	P	P	P	P						
	P	P	P	P	P	P	P	P	P	P	P	P	P	Household Care Facility																
P	P	P	P	P	P	P	P	P	P	P	P	P	P	Municipal Uses Operated by the City of Frisco	P	P	P	P	P	P	P	P	P	P	P					
														Museum/Art Gallery	P	P	P	P	P	P	P	P	P	P	P					
P	P	P	P	P	P	P	P	P	P	P	P	P	P	Park or Playground	P	P	P	P	P	P	P	P	P	P	P					
P	P	P	P	P	P	P	P	P	P	P	P	P	P	Private Recreation Center	P	P	P	P	P	P	P	P	P	P	P					
9	9	9	9	9	9	9	9	9	9	9	9	9	9	Rehabilitation Care Facility																
														Rehabilitation Care Institution	S	S	S	S		S	S	S	S	S	S	X	X	X	X	X
P	P	P	P	P	P	P	P	P	P	P	P	P	P	School, Public	P	P	P	P	P	P	P	P	P	P						
S	S	S	S	S	S	S	S	S	S	S	S	S	S	School, Private or Parochial	P	P	P	P	P	P	P	P	P	P						

A	RE	SF-1	SF-2	SF-3	SF-4	SF-5	OT-R	PH	TH	2F	MF-1	MF-2	MH	Section 3.03(D) Transportation, Utility, and Communications Uses	O-1	O-2	NS	R	OT-C	H	C-1	C-2	CO	IT	I	Preston Road Overlay District				
Agricultural	Residential Estate	Single-Family 1	Single-Family 2	Single-Family 3	Single-Family 4	Single-Family 5	Original Town Residential	Patio Home	Town Home	Two Family	Multi-Family 1	Multi-Family 2	Mobil Home		Office 1	Office 2	Neighborhood Services	Retail	Original Town Commercial Highway	Commercial 1	Commercial 2	Corporate Office	Information & Technology	Industrial	US 380 Gateway	Rural Corridor	Main Street	Retail Corridor	SH 121 Gateway	

P	P	P	P	P	P	P	10	P	P	P	P	P	P	Antenna and/or Antenna Support Structure, Non-Commercial	P	P	P	P	10	P	P	P	P	P	P					
36	36	36	36	36	36	36	36	36	36	36	36	36	36	Antenna and/or Antenna Support Structure, Commercial	36	36	36	36	36	36	36	36	36	36	36					
34	34	34	34	34	34	34	34	34	34	34	34	34	34	Stealth Antenna, Commercial	34	34	34	34	34	34	34	34	34	34	34					
														Bus Terminal					11	11	11	11			11	X	X	X	X	X
														Electric Power Generating Plant											S					
														Landfill											S	X	X	X	X	X
														Office and Storage Area for Public/Private Utility							P			P						
P	P	P	P	P	P	P	P	P	P	P	P	P	P	Private Utility, Other Than Listed	P	P	P	P	P	P	P	P	P	P	P					
12	12	12	12	12	12	12	12	12	12	12	12	12	12	School District Bus Yard	12	12	12	12	12	12	12	12	12	12	12	X	X	X	X	X
S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sewage Treatment Plant/Pumping Station	S	S	S	S	S	S	S	S	S	S	S					
S	S	S	S	S	S	S	S	S	S	S	S	S	S	Telephone Exchange	S	P	P	P	P	P	P	P	P	P	P					
														Transit Center		P			P						P	X	X	X	X	X
S	S	S	S	S	S	S	S	S	S	S	S	S	S	Utility Distribution/Transmission Line	S	S	S	S	S	S	S	S	S	S	S					
S	S	S	S	S	S	S	S	S	S	S	S	S	S	Water Treatment Plant	S	S	S	S	S	S	S	S	S	S	S					

ARTICLE II - PERMITTED USES AND DEFINITIONS
SECTION 3 - USE OF LAND AND BUILDINGS

A	RE	SF-1	SF-2	SF-3	SF-4	SF-5	OT-R	PH	TH	2F	MF-1	MF-2	MH	Section 3.03(E) Office and Professional Uses	O-1	O-2	NS	R	OT-C	H	C-1	C-2	CO	IT	I	Preston Road Overlay District				
Agricultural	Residential Estate	Single-Family 1	Single-Family 2	Single-Family 3	Single-Family 4	Single-Family 5	Original Town Residential	Patio Home	Town Home	Two Family	Multi-Family 1	Multi-Family 2	Mobil Home		Office 1	Office 2	Neighborhood Services	Retail	Original Town Commercial	Highway	Commercial 1	Commercial 2	Corporate Office	Information & Technology	Industrial	US 380 Gateway	Rural Corridor	Main Street	Retail Corridor	SH 121 Gateway
														Administrative, Medical, or Professional Office	P	P	P	P	P	P	P	P	P	P	P					
P	P	P	P	P	P	P	P	P	P	P	P	P	P	Governmental Office	P	P	P	P	P	P	P	P	P	P	P					
														Insurance Office	P	P	P	P	P	P	P	P	P	P	P					
														Research and Development Center		13			13	13	13	13	13	13	13					

A	RE	SF-1	SF-2	SF-3	SF-4	SF-5	OT-R	PH	TH	2F	MF-1	MF-2	MH	Section 3.03(F) Retail Uses										O-1	O-2	NS	R	OT-C	H	C-1	C-2	CO	IT	I	Preston Road Overlay District				
Agricultural	Residential Estate	Single-Family 1	Single-Family 2	Single-Family 3	Single-Family 4	Single-Family 5	Original Town Residential	Patio Home	Town Home	Two Family	Multi-Family 1	Multi-Family 2	Mobil Home											Office 1	Office 2	Neighborhood Services	Retail	Original Town Commercial Highway	Commercial 1	Commercial 2	Corporate Office	Information & Technology	Industrial	US 380 Gateway	Rural Corridor	Main Street	Retail Corridor	SH 121 Gateway	

[illegible]

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SECTION 3 - USE OF LAND AND BUILDINGS

A	RE	SF-1	SF-2	SF-3	SF-4	SF-5	OT-R	PH	TH	2F	MF-1	MF-2	MH	Section 3.03(G) Service Uses	O-1	O-2	NS	R	OT-C	H	C-1	C-2	CO	IT	I	Preston Road Overlay District				
Agricultural	Residential Estate	Single-Family 1	Single-Family 2	Single-Family 3	Single-Family 4	Single-Family 5	Original Town Residential	Patio Home	Town Home	Two Family	Multi-Family 1	Multi-Family 2	Mobil Home		Office 1	Office 2	Neighborhood Services	Retail	Original Town Commercial Highway	Commercial 1	Commercial 2	Corporate Office	Information & Technology	Industrial	US 380 Gateway	Rural Corridor	Main Street	Retail Corridor	SH 121 Gateway	

														Artisan's Workshop			P	P	P	P	P	P								
														Bank, Savings and Loan, or Credit Union	S	P	P	P	P	P	P	P	P	P	P	C	C	C	C	C
														Beauty Salon/Barber Shop		P	P	P	P	P	P	P								
S	S	S	S	S	S	S	S							Bed and Breakfast Inn	S	S	S	P	P	P	P	P								
														Body Art Studio											18					
														Business Service	P	P		P		P	P	P	P	P	P					
														Cabinet/Upholstery Shop					P	P	P	P			P					
S													S	Campground or Recreational Vehicle Park					P	P	P	P			P					
														Commercial Amusement, Indoor		P		P	P	P	P	P			P					
														Commercial Amusement, Outdoor		S		S	S	S	S			S	X	X	X	X	X	X
														Contractor's Shop and/or Storage Yard							P			P	X	X	X	X	X	X
														Dance Hall					S	S	S	S								
S	S	S	S	S	S	S	S	S	S	S	S		S	Day Care Center, Adult	S	S	S	S	S	S	S	S	S	S						
35	35	35	35	35	35	35	35	35	35	35	35	35	35	Day Care Center, Child or Drop In Child Care	35	35	35	35	35	35	35	35	35	35	35					
19	19	19	19	19	19	19	19	19						Day Care Center, In-Home																
														Day Care Center, Incidental	S	S			S	S	S		S	S						
														Dry Cleaning, Major								P		P	X	X	X	X	X	X
														Dry Cleaning, Minor	P	P	P	P	P	P	P			P	C	C	C	C	C	C
														Fairgrounds/Exhibition Area					S	S	S			S						
														Fortune Teller/Psychic										P						
														Furniture Restoration					S	P	P	P		P						
P	P	P	P	P	P	P		P	P	P	P	P		Golf Course and/or Country Club	P	P	P	P		P	P	P	P	P						
														Gunsmith				P	P	P	P	P		P						
														Gymnastics/Dance Studio				P	P	P	P	P		P						
														Health/Fitness Center		P	S	P	P	P	P	P	P	P						
														Hotel		20			20	20	20	20	20	20						
														Household Appliance Service and Repair				P	P	P	P	P		P						
														Indoor Gun Range										P	X	X	X	X	X	X

ARTICLE II - PERMITTED USES AND DEFINITIONS
SECTION 3 - USE OF LAND AND BUILDINGS

A	RE	SF-1	SF-2	SF-3	SF-4	SF-5	OT-R	PH	TH	2F	MF-1	MF-2	MH	Section 3.03(G) Service Uses	O-1	O-2	NS	R	OT-C	H	C-1	C-2	CO	IT	I	Preston Road Overlay District				
Agricultural	Residential Estate	Single-Family 1	Single-Family 2	Single-Family 3	Single-Family 4	Single-Family 5	Original Town Residential	Patio Home	Town Home	Two Family	Multi-Family 1	Multi-Family 2	Mobil Home		Office 1	Office 2	Neighborhood Services	Retail	Original Town Commercial Highway	Commercial 1	Commercial 2	Corporate Office	Information & Technology	Industrial	US 380 Gateway	Rural Corridor	Main Street	Retail Corridor	SH 121 Gateway	

															Laundromat			P	P	P	P	P	P									
															Locksmith/Security System Company				P	P	P	P	P	P			P	C	C	C	C	C
															Massage Therapy, Licensed				P	P	P	P	P			P						
															Massage Therapy, Unlicensed											S						
															Mortuary/Funeral Parlor						P	P	P			P						
															Motel						21	21	21									
															Pet Day Care				22	23	22	22	P			P						
															Print Shop, Major					S	P	P	P			P						
															Print Shop, Minor		P	P	P	P	P	P	P	P	P	P						
															Private Club		S			S	S	S	S	S	S	S						
															Residence Hotel						24	24	24	24	24							
															Restaurant or Cafeteria		25	32	32	32	32	32	32	32	32	32	26	26	26	26	26	
															Restaurant, Drive In				P		P	P	P			P	C	C	C	C	C	
															Sexually Oriented Uses											S						
															Small Engine Repair Shop				P	S	P	P	P									
S															Stable, Commercial											P						
															Taxidermist								P			P						
															Theater, Drive In											S	X	X	X	X	X	
															Theater, Neighborhood		S		P	P	P	P	P									
															Theater, Regional		S				P	P	P			P						
															Trailer Rental				S			P	P			P	X	X	X	X	X	
															Veterinarian Clinic and/or Kennel, Indoor				P	P	P	P	P			P						
S															Veterinarian Clinic and/or Kennel, Outdoor								P			P						

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SECTION 3 - USE OF LAND AND BUILDINGS

A	RE	SF-1	SF-2	SF-3	SF-4	SF-5	OT-R	PH	TH	2F	MF-1	MF-2	MH	Section 3.03(H) Automobile and Related Uses	O-1	O-2	NS	R	OT-C	H	C-1	C-2	CO	IT	I	Preston Road Overlay District				
Agricultural	Residential Estate	Single-Family 1	Single-Family 2	Single-Family 3	Single-Family 4	Single-Family 5	Original Town Residential	Patio Home	Town Home	Two Family	Multi-Family 1	Multi-Family 2	Mobil Home		Office 1	Office 2	Neighborhood Services	Retail	Original Town Commercial Highway	Commercial 1	Commercial 2	Corporate Office	Information & Technology	Industrial	US 380 Gateway	Rural Corridor	Main Street	Retail Corridor	SH 121 Gateway	

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ARTICLE II - PERMITTED USES AND DEFINITIONS
SECTION 3 - USE OF LAND AND BUILDINGS

A	RE	SF-1	SF-2	SF-3	SF-4	SF-5	OT-R	PH	TH	2F	MF-1	MF-2	MH	Section 3.03(I) Wholesale Uses	O-1	O-2	NS	R	OT-C	H	C-1	C-2	CO	IT	I	Preston Road Overlay District				
Agricultural	Residential Estate	Single-Family 1	Single-Family 2	Single-Family 3	Single-Family 4	Single-Family 5	Original Town Residential	Patio Home	Town Home	Two Family	Multi-Family 1	Multi-Family 2	Mobil Home		Office 1	Office 2	Neighborhood Services	Retail	Original Town Commercial	Highway	Commercial 1	Commercial 2	Corporate Office	Information & Technology	Industrial	US 380 Gateway	Rural Corridor	Main Street	Retail Corridor	SH 121 Gateway

														Bottling Works								P			P					
														Mini-Warehouse/Public Storage						S	S				P	X	X	X	X	X
														Office/Showroom						P		P		P	P					
														Office/Warehouse/Distribution Center						S		P			P	X	X	X	X	X
														Outside Storage and Display										P	P	X	X	X	X	X
														Storage or Wholesale Warehouse								P			P	X	X	X	X	X

ARTICLE II - PERMITTED USES AND DEFINITIONS
SECTION 3 - USE OF LAND AND BUILDINGS

A	RE	SF-1	SF-2	SF-3	SF-4	SF-5	OT-R	PH	TH	2F	MF-1	MF-2	MH	Section 3.03(J) Manufacturing and Industrial Uses	O-1	O-2	NS	R	OT-C	H	C-1	C-2	CO	IT	I	Preston Road Overlay District				
Agricultural	Residential Estate	Single-Family 1	Single-Family 2	Single-Family 3	Single-Family 4	Single-Family 5	Original Town Residential	Patio Home	Town Home	Two Family	Multi-Family 1	Multi-Family 2	Mobil Home		Office 1	Office 2	Neighborhood Services	Retail	Original Town Commercial Highway	Commercial 1	Commercial 2	Corporate Office	Information & Technology	Industrial	US 380 Gateway	Rural Corridor	Main Street	Retail Corridor	SH 121 Gateway	

															Concrete/Asphalt Batching Plant, Permanent																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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3.04 **CONDITIONAL DEVELOPMENT STANDARDS** (ZA01-0010, ZA02-0004, ZA02-0016, ZA02-0019, ZA05-0004, ZA05-0006, ZA06-0001)

1. Private Street Development: (ZA02-0027)

Private Street Developments are subject to provisions of the Thoroughfare and Circulation Design Requirements ordinance, as it exists or may be amended. Private Street Developments are permitted by Specific Use Permit in the referenced districts. Private Street Developments that exist as of the adoption of this ordinance April 15, 2003 and properties that are zoned by a planned development that permits Private Street Developments are excluded from the requirement for a Specific Use Permit. In considering a request for a Specific Use Permit for a Private Street Development, the City Council shall use any of the following criteria:

New Development

- a) Non-disruption of planned public roadways or facilities/projects (thoroughfares, parks, park trails, public pedestrian pathways, etc.);
- b) Non-disruption to and from properties of future developments either on-site or off-site to the proposed subdivision;
- c) No negative effect on traffic circulation on public streets;
- d) No impairment of access to and from public facilities including schools or parks;
- e) Adequate and timely provision of essential municipal services (emergency services, water/sewer improvements or maintenance, etc.);
- f) Existence of natural and/or man-made boundaries around the development (creeks, floodplain, golf courses, parks); and/or
- g) Absence of a concentration of Private Street Developments in the vicinity of the requested Private Street Development.

Conversion of existing subdivision to private streets

- a) Criteria would include all the issues and procedures involved with new developments;
- b) Petition signed by 100% of the owners in the existing subdivision requesting approval to convert to private streets;
- c) Formation of a property owners' association, if none exists, that would be responsible for owning and maintaining the converted streets and right-of-ways;
- d) Replatting of existing subdivision to reflect changes; and/or
- e) Applicant agreeing to contract with the City for purchase of the converted infrastructure and rights-of-way from the City.

2. **Townhome (Single-Family Residence, Attached):**
Only allowed in an Original Town Residential zoning district, if located south of FM 720 (Main Street).
3. **Accessory Building:**
Accessory building shall match the scale and character of the main structure when in an Original Town Residential zoning district.
4. **Accessory Gas Pumps (ZA08-0001):**
Accessory gas pumps are only allowed as an accessory use to a big box tenant and are subject to the following development standards:
 - a) Accessory gas pumps must be located on the same lot as a big box tenant;
 - b) Accessory gas pumps do not have to be located within two hundred feet (200') of the right-of-way lines of intersecting major thoroughfares;
 - c) Accessory gas pumps shall count against the two-per-intersection limitation required in Article IV Section 11.03(E), as measured to the closest intersection;
 - d) A sales kiosk servicing the accessory gas pumps shall be less than five hundred (500) square-feet in floor area;
 - e) Accessory gas pumps shall be located at least two hundred and fifty (250) feet from a property line of a residential lot. For the purposes of this section, a residential lot means a lot on which a residential use is located, a lot zoned residential, or a lot designated as residential on the Comprehensive Land Use Plan. This provision intends to alter Article IV, Section 9.12(A) as it would apply to accessory gas pumps. Accessory gas pumps do not have to meet these spacing requirement if:
 - A major thoroughfare separates the accessory gas pumps from the residential lot; or
 - The Comprehensive Land Use Plan designates a lot as residential, but City Council subsequently rezones the property to a non-residential zoning district and no residential use is located on the lot.
 - f) Canopies shall have pitched roofs;
 - g) Canopy support columns shall be entirely masonry encased;
 - h) A raised landscape planter of the same material as the masonry columns shall be provided at both ends of all pump islands. Raised landscape planters shall be between eighteen (18) and twenty-four (24) inches tall and a minimum of four (4) feet wide and four (4) feet long;
 - Raised planters shall be landscaped with a combination of shrubs and ground cover as approved by the Director of Planning or his/her Designee.
 - i) Landscape island(s) totaling a length equal to fifty (50) percent of the canopy perimeter and a minimum of six (6) feet wide shall be provided for screening and traffic flow purposes;
 - These areas shall have a minimum of one (1) ornamental tree per twelve (12) linear feet or portion thereof and one (1) five (5) gallon

shrub per one (1) linear foot arranged as approved by the Director of Planning or his/her Designee.

- j) An accessory gas pumps shall be removed if it has ceased operation for more than six (6) months.
- k) The canopy band face shall be of a color consistent with the main structure or an accent color and may not be backlit or used as signage.

5. Homebuilder Marketing Center:

Shall be used only to market homes/lots in the development where it is located when located in a residential zoning district. The use must be removed when all homes/lots in the development have been sold.

6. Home Occupation: (ZA02-0023)

A home occupation is a business that is customarily carried on in a home by the resident and shall adhere to all of the following conditions and requirements:

- a) No signage associated with the home occupation and visible from outside of the dwelling shall be allowed on the premises.
- b) Only two employees other than the occupants of the residence may be employed on-site at any one time. This shall not include the coordination or supervision of employees who do not regularly visit the house for purposes related to the business.
- c) Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. for outdoor activities.
- d) Outdoor activities are not allowed, unless the activities are screened from neighboring property and public rights-of-way.
- e) No exterior storage of material, equipment, vehicles, and/or supplies used in conjunction with the home occupation.
- f) The home occupation shall not produce offensive noises, vibrations, smoke, dust, odors, heat or glare beyond the property lines.
- g) A home occupation shall not serve as an office or storage facility for a vehicle fleet operation in which fleet vehicles visit the site.
- h) No major alterations to the property or exterior of the dwelling unit shall be allowed that changes the residential character of the home.
- i) No repair or servicing of vehicles, internal combustion engines, large equipment or large appliances shall be allowed.
- j) No storage of hazardous materials for business purposes shall be allowed on the premises.
- k) Merchandise shall not be offered or displayed for sale on the premises. Sales incidental to a service shall be allowed; and orders previously made by telephone or at a sales party may be filled on the premises.
- l) No traffic shall be generated by a home occupation in greater volumes than normally expected in a residential neighborhood, and any need for parking must be accommodated within the off-street parking provided for the residence (i.e. the driveway or garage) and along the street frontage of the lot.

Homeowners/occupants who establish an occupation in their residence must adhere to all of the above conditions.

7. Temporary Building: (ZA02-0025)

- A. Temporary buildings may be utilized by houses of worship (churches), public schools, and government agencies only. (See Article II, Section 4, 4.02);
- B. Houses of worship (churches), public schools (Kindergarten (K) through Twelfth (12th) grade), and government agencies may apply for a permit to erect a temporary building for an initial period of three (3) years provided the applicant submits:
 - 1) an application with documented evidence of an immediate need for space to the Building Official, who shall evaluate each application for a temporary building based on the following criteria:
 - a) capacity of the existing permanent building(s), which is located or planned to be located on the same property for which the temporary building permit is being sought, compared to the enrollment, employment, and/or number of people attending the existing permanent building(s) at one time;
 - b) total enrollment, employment, and/or membership size;
 - c) documentation of growth records depicting the number of people in the congregation, school and/or office;
 - d) whether the facility is a start-up church, or school, or new government facility;
 - e) indication of alternative options that were explored before a temporary building application was considered;
 - f) acts of nature; and/or
 - g) any other evidence which is reasonably related to the immediate need for additional space;
 - 2) a preliminary site plan to the Planning and Development Department, providing for a permanent solution to the immediate need for a new temporary building(s) showing the permanent building(s), the temporary building(s), and the required parking, which is subject to the review and approval of the Planning & Zoning Commission; and
 - 3) a site plan for the temporary building(s) to the Planning and Development Department, which is subject to the review and approval of the Planning & Zoning Commission
- C. The temporary building(s) shall be removed within thirty (30) days of the date:
 - 1) a Certificate of Occupancy is issued for the permanent building; or
 - 2) the permit for the temporary building expires, whichever occurs first.
- D. A request for a one (1) year extension of the temporary building permit may be granted by the Planning & Zoning Commission provided the applicant:
 - 1) has an approved and valid preliminary site plan for the permanent building(s) and an approved and valid site plan for the temporary building(s);
 - 2) has a specific plan of how an additional year would allow the applicant to construct the permanent building(s) by providing:

- a) evidence of numeric growth, beyond that which was specifically anticipated by the applicant;
 - b) house of worship (church), school, or government membership, enrollment, and/or employment growth records;
 - c) evidence that alternative options were explored before an extension of the temporary building permit was requested; and
 - d) any other criteria reasonably deemed appropriate by the Planning & Zoning Commission.
- E. The applicant may challenge a decision of the Building Official or Planning & Zoning Commission, by appealing, in writing, to the City Council within 14 days of a decision of the Building Official or the Planning & Zoning Commission. The City Council's decision is final.
- F. Four or more members of City Council may appeal the decision of the Planning & Zoning Commission by submitting a written notice of appeal to the Planning & Development Department. The City Council shall consider and act on whether it will appeal the Commission's decision no later than fourteen (14) days from the date of such decision or at its first regular meeting (for which there is time to post an agenda as required by law) that occurs after the Commission meeting at which the decision was made, whichever is later. Written notice of the City Council's vote to appeal shall be submitted to the Planning & Development Department within seven (7) days of the City Council's vote. The City Council shall consider the appeal at a public meeting no later than forty-five (45) days after the date on which the notice of appeal is submitted to the Planning & Development Department. The City Council may affirm, modify, or reverse the decision of the Planning & Zoning Commission.
- 8. Athletic Stadium or Field, Private**
Permitted by Specific Use Permit when developed in conjunction with a School, Private or Parochial.
- 9. Rehabilitation Care Facility:**
Shall maintain a minimum separation of fifteen hundred feet (1,500') measured linearly from property line to property line from any other Rehabilitation Care Facility.
- 10. Antenna and/or Antenna Support Structure, Non-Commercial:**
The antenna support structure shall be designed to fit the scale and character of the downtown area when in an Original Town Residential or an Original Town Commercial zoning district.
- 11. Bus Terminal:**
Permitted by right in the H district. Permitted by Specific Use Permit in the OTC, C-1, C-2, and I districts. Bus parking and storage areas will be screened with a six-foot ornamental metal fence, three-inch caliper evergreen trees on 20-foot centers, and five-gallon evergreen shrubs on three-foot centers.
- 12. School District Bus Yard: (ZA03-0001)**

A School District Bus Yard shall be owned and/or operated by a public Independent School District. Unless otherwise approved by the Planning & Zoning Commission, School District Bus Yards shall be screened using one of the following methods:

Option 1

- A six-foot ornamental metal fence,
- Three-inch caliper evergreen trees on 20-foot centers, and
- Five-gallon evergreen shrubs on three-foot centers.

Option 2

- A six-foot clay-fired brick wall, and
- Three-inch caliper evergreen trees on 20-foot centers.

13. Research and Development Center:

Any Research and Development Center that includes animal or biological testing will be permitted by Specific Use Permit in the designated districts.

14. Convenience Store With Gas Pumps:

Convenience Stores with Gas Pumps shall be subject to the following development standards:

- a) Permitted in the designated districts only within two hundred feet (200') of the right-of-way lines of intersecting major thoroughfares;
- b) Gas Pumps are permitted at a maximum of two corners at an intersection of two major thoroughfares;
- c) Canopies shall have pitched roofs;
- d) Canopy support columns shall be entirely masonry encased;
- e) The canopy band face shall be a color consistent with the main structure or an accent color and may not be backlit or used as signage
- f) Use shall be removed if closed for more than six (6) months.

15. Equipment and Machinery Sales and Rental, Minor:

Use must be completely maintained within the main structure.

16. Nursery, Major:

Permitted by Specific Use Permit in an Agricultural zoning district if designated as non-residential on the Future Land Use Plan.

17. Retail Stores and Shops:

A Pharmacy/Drugstore is permitted in the Preston Road Overlay District subject to the conditional development standards in Article III, Section 3(4.05)(B).

18. Body Art Studio:

Must be set back 1000 feet from any other Body Art Studio, Residential Zoning District, church, Public, Private, or Parochial School, and day care.

19. Day Care Center, In-Home:

Permitted by right as a home occupation in the designated zoning districts and is subject to the regulations of Home Occupation.

20. Hotel:

Hotel developments shall be subject to the following development standards:

- a) External balconies and walkways shall be set back two hundred feet (200') from any residential zoning district.
- b) Shall provide staff on-site 24 hours a day.
- c) Shall provide at least three amenities from the list below:
 - Indoor/Outdoor Pool
 - Spa/Sauna
 - Weight Room/Fitness Center
 - Playground
 - Sports Court
 - Plaza/Atrium
 - Game Room
 - Jogging Trail
 - Conference Room (1,000 square foot minimum)
 - Full Service Restaurant (minimum seating capacity of 35)
- d) All room units must be accessed through an internal hallway, lobby, or courtyard.
- e) Permitted by Specific Use Permit in an Original Town Commercial District.

21. Motel:

Motel developments shall be subject to the following development standards:

- a) External balconies and walkways shall be set back two hundred feet (200') from any residential zoning district.
- b) Shall provide staff on-site 24 hours a day.
- c) Shall provide at least three amenities from the list below:
 - Indoor/Outdoor Pool
 - Spa/Sauna
 - Weight Room/Fitness Center
 - Playground
 - Sports Court
 - Plaza/Atrium
 - Game Room
 - Jogging Trail
 - Conference Room (1,000 square foot minimum)
 - Full Service Restaurant (minimum seating capacity of 35)
- d) Shall maintain a minimum separation of fifteen hundred feet (1,500') measured linearly from property line to property line from any other Hotel, Motel, or Residence Hotel property.

22. Pet Day Care:

No outdoor pens allowed.

23. Pet Day Care:

Permitted by right in the OTC district subject to the following standards:

- a) Hours of operations limited to 6:00 a.m. to 8:00 p.m.
- b) A Pet Day Care must be located a minimum of one hundred (100) feet from restaurants and food preparation establishments (property line to property line).
- c) Overnight boarding of animals and outdoor kennels are prohibited.
- d) Provisions must be made for the sanitary disposal of all animal waste in accordance with the Animal Control Ordinance and Building Codes.

24. Residence Hotel:

Residence Hotel developments shall be subject to the following development standards:

- a) Not more than 23 room units per acre.
- b) External balconies and walkways shall be set back two hundred feet (200') from any residential zoning district.
- c) Shall maintain laundry facilities on-site for guest use.
- d) Shall provide staff on-site 24 hours a day.
- e) Shall provide at least three amenities from the list below:
 - Indoor/Outdoor Pool
 - Spa/Sauna
 - Weight Room/Fitness Center
 - Playground
 - Sports Court
 - Plaza/Atrium
 - Game Room
 - Jogging Trail
 - Conference Room (1,000 square foot minimum)
 - Full Service Restaurant (minimum seating capacity of 35)
- f) Shall be set back a minimum of one hundred feet (100') from any residential district.
- g) Shall maintain 15% of the lot area as open space, exclusive of required setbacks and parking areas, but including amenities from the above list except for Conference Room and Full Service Restaurant.
- h) Shall maintain a minimum separation of fifteen hundred feet (1,500') measured linearly from property line to property line from any other Hotel, Motel, or Residence Hotel property.
- i) A minimum of 50% of the room units shall contain kitchen facilities.
- j) Location:
 - 1. Shall be permitted only with frontage along SH 121, Preston Road, the Dallas North Tollway, FM 423, or US 380; or
 - 2. A Residence Hotel may locate at an intersection of two major thoroughfares. If this location option is chosen, it shall count as the multifamily development at that intersection as referenced in the Future Land Use Plan. It shall also be subject to the Multifamily-2 Zoning District development standards as they exist or may be amended. If Multifamily zoning already exists at an intersection of two major

thoroughfares, then a Residence Hotel will not be permitted at that intersection.

25. Restaurant or Cafeteria:

- a) No drive-through restaurants permitted.
- b) Restaurants are permitted to sell alcohol by right if the subject property was located within the City limits as of February 2, 2002. For property annexed into the City after February 2, 2002, a restaurant must obtain a specific use permit for a Private Club for the ability to sell alcohol (see Private Club regulations).
- c) A restaurant that sells alcohol shall not be located closer than 300 feet to a church and/or public hospital measured along the property lines of the street fronts from front door to front door, and in direct lines across intersections.
- d) A restaurant that sells alcohol shall not be located closer than 300 feet to a public or private school measured in a direct line from property line to property line, and in direct lines across intersections.
- e) The distance between a restaurant that sells alcohol and a private school can be increased to 1,000 feet if the City Council receives a request from the governing body of the private school to do so.
- f) Restaurants that derive more than 75% of their revenue from the sale of alcohol are permitted only by specific use permit.

26. Restaurant or Cafeteria:

Restaurants with a drive-through are permitted in the Preston Road Overlay District subject to the conditional development standards in Article III, Section 3(4.05)(B).

27. Automobile Repair, Major and Automobile Sales, Used:

Permitted as an accessory use to Automobile Sales, New in the Preston Road Overlay District subject to the conditional development standards in Article III, Section 3(4.05)(B).

28. Automobile Sales/Leasing, New and Motorcycle Sales/Service:

Permitted south of Wade Boulevard upon approval of a Specific Use Permit.

29. Automobile Sales, Used and Motorcycle Sales/Service:

Permitted by Specific Use Permit in a Highway zoning district along SH 121 at the intersections of Spring Creek Parkway, Legacy Drive, The Dallas North Tollway, Preston Road, Ohio Drive, Hillcrest Road, Coit Road, Independence Parkway, and Custer Road.

30. Car Wash:

Permitted as an accessory use to Convenience Store with Gas Pumps.

31. Beer & Wine Package Sales (ZA02-0024, ZA07-0003):

- a) Shall not be located closer than three hundred (300) feet to a church and/or public hospital measured along the property lines of the street fronts from front door to front door and in direct lines across intersections.
- b) Shall not be located closer than three hundred (300) feet to a public or private school measured in a direct line from property line to property line, and in direct lines across intersections.
- c) The distance between a Beer & Wine Package Sales Establishment and a private school can be increased to one thousand (1,000) feet if the City Council receives a request from the governing body of the private school to do so.
- d) Beer sales are not permitted in residential areas. Residential areas include properties that are zoned Neighborhood Service or a Planned Development that allows vertical mixed use developments with a residential component, because these zoning districts are part of the neighborhood(s) within which they are located.
- e) Beer & Wine Package Sales establishments that derive more than seventy-five (75) percent of their gross revenue from the sale of beer and/or wine:
 - 1. Are permitted only by Specific Use Permit in the R, H, C-1, and C-2 zoning districts;
 - 2. Shall not be located closer than one thousand five hundred (1,500) feet from another Beer & Wine Package Sales Establishment that derives more than seventy-five (75) percent of their gross revenue from the sale of beer and/or wine, measured building-to-building (or outer wall of the lease space) in a straight line;
 - 3. Shall not be located closer than eight hundred (800) feet from the building to the property line of a residential zoning district; and
 - 4. Shall not be located closer than one thousand five hundred (1,500) feet from the property line of a City park, or the property line of a property owned by a church, public hospital, public or private school, public or private college/university, rehabilitation care institution, or child or adult day care, measured in a straight line from front door of the establishment to the nearest property line of a residential zoning district, City park, church, public or private hospital, public or private school, public or private college/university, rehabilitation center, or child or adult day care.”

32. Restaurant or Cafeteria (ZA07-0003):

Restaurants that sell alcohol shall be subject to compliance with the Texas Alcoholic Beverage Code, as it exists or may be amended, and to the following development criteria:

- a) Restaurants are permitted by specific use permit in the NS zoning district and are permitted by right in the R, OT-C, H, C-1, C-2, CO, IT, and I zoning districts. Restaurants are permitted to sell alcohol by right if the subject property was located within the City limits as of February 2, 2002. For property annexed into the City after February 2, 2002, a restaurant must

obtain a specific use permit for a Private Club for the ability to sell alcohol (see Private Club regulations).

- b) A restaurant that sells alcohol shall not be located closer than three hundred (300) feet to a church and/or public hospital measured along the property lines of the street fronts from front door to front door, and in direct lines across intersections. This separation requirement does not apply to restaurants located along Main Street in the OTC District.
- c) A restaurant that sells alcohol shall not be located closer than three hundred (300) feet to a public or private school measured in a direct line from property line to property line, and in direct lines across intersections. This separation requirement does not apply to restaurants located along Main Street in the OTC District.
- d) The distance between a restaurant that sells alcohol and a private school can be increased to one thousand (1,000) feet if the City Council receives a request from the governing body of the private school to do so. This does not apply to restaurants located along Main Street in the OTC District.
- e) Restaurants that derive more than seventy-five (75) percent of their revenue from the sale of alcohol are not permitted in the NS zoning district and are permitted by specific use permit in the R, OT-C, H, C-1, C-2, CO, IT, and I zoning districts.”

33. Mobile Vendor:

Mobile food vendors are subject to the following regulations:

- a) Mobile food vendors are permitted in Retail, Commercial-1, Commercial-2, or Highway zoning districts or Planned Development with Business Center as the base zoning only;
- b) Mobile food vendors shall be located on private property where an existing, permanent business operates in a building with a certificate of occupancy;
- c) Mobile food vendors shall provide the City with a copy of written permission from the property owner on an annual basis to allow the operation of a mobile vendor and to allow the mobile vendor and their customers access to a commercially plumbed public restroom on-site;
- d) A mobile food vendor shall submit a site plan depicting the location of the mobile food vendor on the property, shall secure a health permit from the Health and Food Safety Division, and a permit from Building Inspections prior to the operation of such use;
- e) Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the City of Frisco;
- f) Mobile food vendors shall be located within 50 feet of an entrance of a primary building that holds the Certificate of Occupancy;
- g) Mobile food vendors shall be setback a minimum of 100 feet from major thoroughfares, as designated on the City’s Thoroughfare Plan;
- h) Mobile food vendors may operate only during the business hours of the primary business on the property;
- i) The operator shall possess a City tax certificate showed as paid;

- j) A drive through is not permitted in conjunction with the mobile food vendor;
- k) Mobile food vendors shall not operate in parking spaces, driveways, fire lanes or public roads;
- l) Sales of food from a stationary vehicle excludes catering trucks; and
- m) Mobile food vendors are prohibited in a temporary building.

34. Stealth Antenna, Commercial: (ZA02-0026)

Commercial Stealth Antennas are permitted by right in the Residential Districts only as a secondary use when the primary use on the lot is a church, school, athletic stadium or field, or public utility structure. Commercial Stealth Antennas are permitted by right in the Non-residential Districts. The Director of Planning, or his/her designee may approve a request to install a stealth antenna when the proposed stealth antenna is of a type that is specifically listed in the definition of Stealth Antenna, Commercial in Article II, Section 4.02. For stealth antenna requests of a type that are not specifically listed in this definition, the Planning & Zoning Commission may determine if a proposed commercial antenna is a stealth antenna or not when considering site plan approval for the proposal. The decision of the Planning & Zoning Commission may be appealed to the City Council using the site plan appeal procedure outlined in Article IV, Section 1.08(B)(7).

35. Day Care Center, Child or Drop-In Child Care: (ZA03-0001, ZA05-0006)

Notwithstanding anything to the contrary herein, a public independent school district is not required to obtain a SUP for the operation of a Day Care Center, Child or Drop-In Child Care in a public school. A Day Care Center, Child or Drop-In Child Care not operated by a public independent school district is permitted by SUP in all districts except Original Town Residential and Industrial. Drop-In Child Care facilities shall provide annual reporting data that confirms that the average stay per visit does not exceed four hours. The hours of operation may be extended beyond those listed in the definition for Drop-In Child Care Day Care Center if approved as a condition of the Specific Use Permit by the City Council.

36. Antenna and/or Antenna Support Structure, Commercial: (ZA04-0002)

- A. All commercial antennae and antenna support structures located on property owned by the City of Frisco shall be permitted with a Specific Use Permit in any district.
- B. Shall be permitted by Specific Use Permit in the O-2, R, H, C-1, C-2, CO, IT, and I zoning districts and shall be subject to the following regulations:
 - 1) Antenna support structures shall be setback a distance equal to or greater than the tower's height.
 - 2) Antenna support structures shall be constructed to support at least two carriers.
 - 3) Antenna facilities shall be screened by a six-foot masonry screening wall or a six-foot wrought iron/tubular steel fence with living screen.
- C. An antenna located on an existing antenna support structure is permitted by right upon site plan approval.

37. Outside Storage and Display (ZA05-0004):

An accessory use providing outdoor storage or display of commodities, materials, goods, equipment, vehicles, or merchandise for a primary use on the same property. The regulations exclude new and used sale or lease of automobile, motorcycle, recreational vehicle, boat or watercraft. Land uses providing outside storage and display are subject to regulations in Article II; Section 4 (4.02), Article III, Section 4 (4.05(H)); and Article IV, Section 5 (5.03).

38. Oil Well/Gas Well (ZA06-0001):

Refer to the International Fire Code currently adopted by the City of Frisco for a complete list of procedures and requirements.

39. Major Nurseries (ZA07-0001):

Major Nurseries may be permitted by City Council approval of a Specific Use Permit in the Retail Corridor subdistrict of the Preston Road Overlay District, south of Wade Boulevard with the following conditions, including but not limited to:

- a) Major Nursery must be located beyond one thousand (1,000) feet of a major intersection.
- b) Only allowed as infill development with directly adjacent properties already developed. See Exhibit 3.04 (a).
- c) All landscape inventory must be screened from Preston Road with an eight (8') foot masonry screening wall and plant material or a combination four foot masonry wall with wrought iron or tubular steel and plant material. See Exhibit 3.04(b) and Exhibit 3.04(c).
- d) Landscape inventory must be screened from adjacent properties with an eight (8') foot wrought iron or tubular steel fence with a living screen. See Exhibit 3.04(d).
- e) Non-plant inventory (i.e. hardscape packages, supplies) shall not extend above the height of the screening fence/wall. Only live plant materials, trees, and shrubs may extend above the screening wall/fence.
- f) All structures and greenhouses must comply with the exterior material requirements of the Preston Road Overlay District.

Exhibit 3.04(a)



Exhibit 3.04(b)

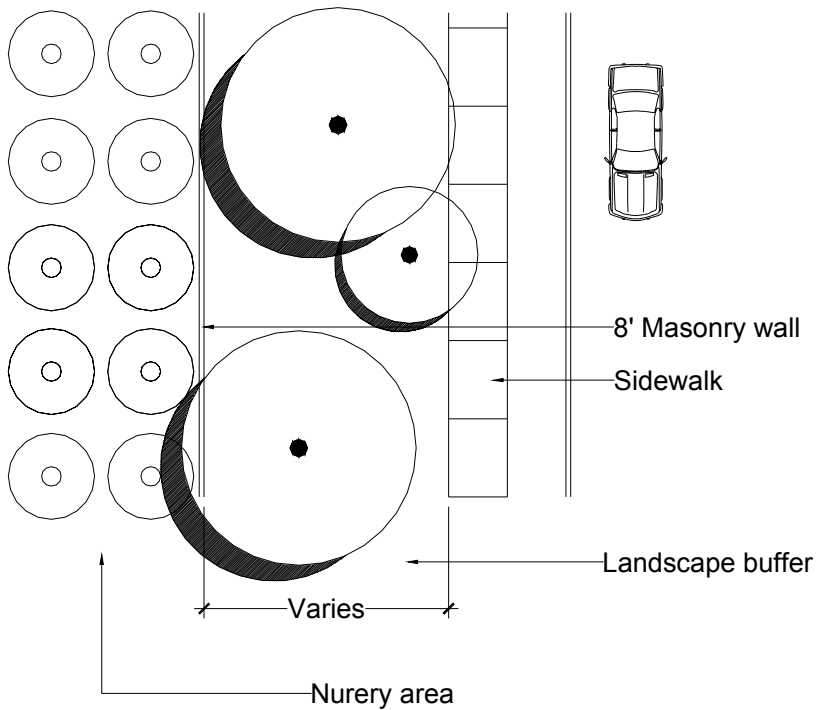


Exhibit 3.04(c)

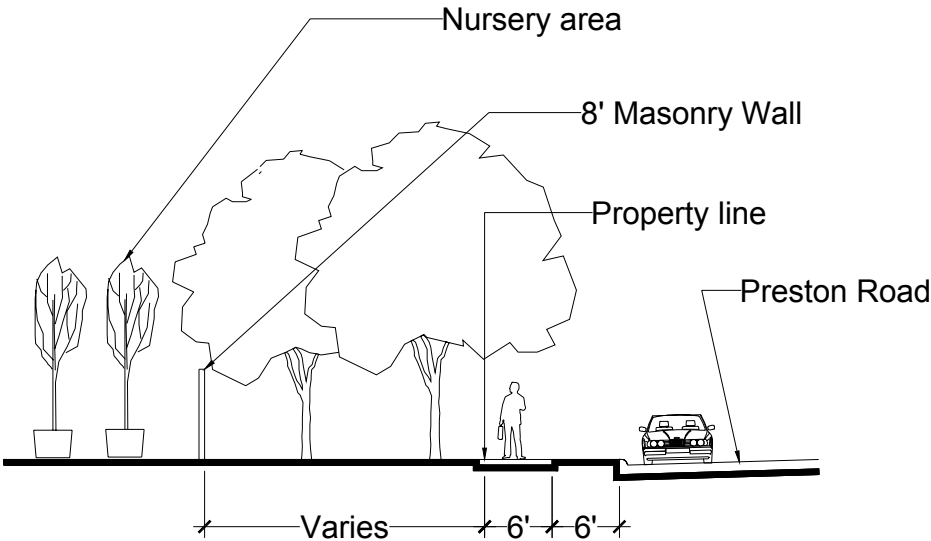
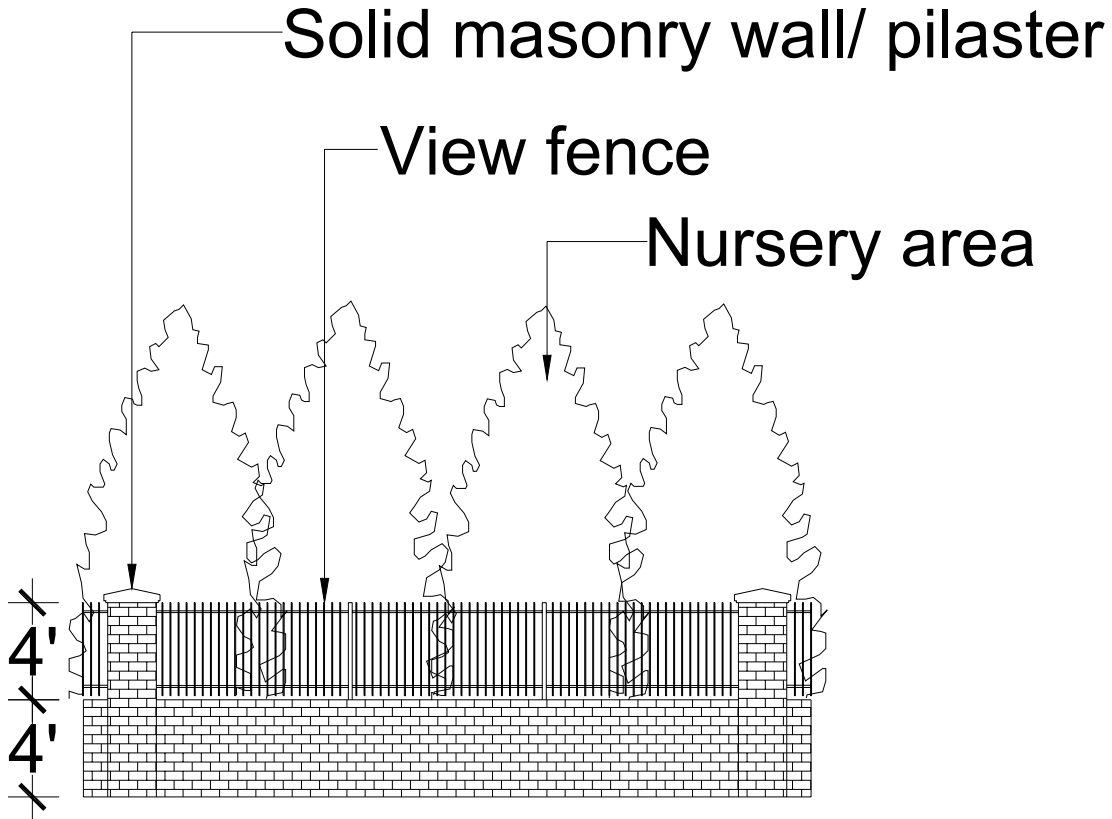


Exhibit 3.041(d)



40. Beer & Wine Package Sales (ZA07-0003):

Beer and Wine Package Sales that derive more than seventy-five (75) percent of their gross revenue from the sale of beer and/or wine are permitted in the Original Town Commercial District (OTC) under the following conditions:

- a) Beer and Wine Package Sales are only permitted fronting Main Street in the OTC, between North and South County Road and the BNSF Rail Line.
- b) Only two (2) beer and wine package sales businesses may locate in the OTC as permitted uses.
- c) No more than one (1) beer and wine package sales business shall be located on any given block."